

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on August 12, 2014 at 7:30 pm with the following present:

Mayor: Jannis White
Town Manager: Tim Taylor
Town Clerk: Susan Whitt
Town Attorney: Brad Ratliff
Council Members: Joe McCracken, Rod Cury, Larry Johnson,
Frances Meadows, Doug Ratliff, Mary Ann Strong

Mayor White called the meeting to order.

Mayor White gave the invocation and led the Pledge of Allegiance.

Mayor White asked if there is anyone who wishes to speak that is not on the agenda. Ernest Edgell asked to be added.

Mayor White asked if there were any other Additions/Deletions to the Agenda. Hearing none, she asked for a Motion to Approve the Agenda as Amended. Rod Cury made the Motion to Approve as Amended, seconded by Joe McCracken. Vote, all in favor, 5/0. Motion carried.

Mayor White asked if there any changes, corrections or deletions to either of the two sets of Minutes; one was a Joint Public Hearing with the Planning Commission and the other is a regular meeting. Hearing none, she asked for a Motion to approve both sets of Minutes, made by Mary Ann Strong, seconded by Frances Meadows. Vote, all in favor, 5/0. Motion carried.

Mayor White stated the Councilman Johnson had a death in his family and that was reason for his absence tonight.

Conditional Use Permit Request by Jeanette Lucas- Ms. Lucas said she wanted to place a mobile home on a lot at 1414 Farmer Street. Mr. Taylor said Ms. Lucas had talked with Richard Vance about this request and had all of her paperwork in order. In accordance with the requirements under the Zoning Ordinance for an R-2, to place a mobile home on a single lot that have to be adhered to. This lot is a substantially large lot; I think its 412 feet deep and 50 feet wide. Given the area and the way you have provided your lay-out, it meets set-back, side yards and back yards. So with the drawings that we were supplied, they meet all the zoning requirements. The next step would be to come to council and ask for a conditional use permit. If the property didn't meet the zoning, then you couldn't even ask for a conditional use permit. There is no appeal process. According to our research and what Ms. Lucas has provided to us, it does meet zoning.

Frances Meadows made the Motion to Approve a Conditional Use Permit for Ms. Lucas to place a single wide mobile home on the lot at 1440 Farmer Street, seconded by Joe McCracken.

Mr. Taylor asked Council if they wished to place any conditions on the permit, such as time limits, etc.

Rod Cury asked Ms. Lucas if she would be the person that is going to live there, she said she would be. He asked her if later on she thought she might rent the mobile home to someone else. Doug Ratliff said it shouldn't matter. Mr. Taylor said sometimes conditional use permits are not transferrable, we usually take it unless you say they are not transferrable, then they are. If you sold the mobile home, it would go with it.

Frances Meadows asked if there was room for any additional mobile homes. Mr. Taylor said there was not, you would need another ten feet on each side and really the terrain wouldn't allow it.

Mayor White asked for any further discussion. Hearing none, vote, all in favor, 5/0. Motion carried.

Rodney and Cynthia Morris-106 Ridge Avenue-to ask permission to use a Town right of way through Ridge Ave. We live in Lake Park, on Ridge Avenue, which is the second right in Lake Park. This is the shortest and easiest route for all of the homes that are up above us with the apartments and this is the main route that they take through Lake Park. We noticed that sometimes there are more children playing there. We have a two year old and a three year old. We have noticed that traffic coming off the hill has been excessively fast. It has been brought to our attention that we need to do something to protect our children. As the spiritual leader of my family, it is my job to protect my children and my family. We went in this process of putting a fence up, and we are about one-third into this project when it was brought to our attention that we were on Town property because of the right of way of the road. If we come back any further with the fence, it would look ignorant. We do not want to invest that kind of money in something that is going to look that bad. Protecting the children is the most important thing. Today with all of the distractions that we have while driving, cell phones, etc., to think that something can't happen would be ignorant. We want to put this fence up to give our kids the freedom to play and puts our minds to rest that they are safe. I would ask the Town to give us permission to put that up.

Joe McCracken asked if he had a time limit in mind on how long he wanted to keep the fence up. Mr. Morris said they never planned on it being a permanent thing. Let the kids get up to where they are not apt to be distracted, maybe 10 or 12 years old, they know to stay away from the road. He asked for 10 years.

Doug Ratliff added that after 10 years, he could come back and they would look at it again. It could be reconsidered after 10 years.

Brad Ratliff said that it would be a revocable license. Mayor White said the Street Committee had looked at this. Rod Cury said they have a recommendation. We feel that he has a good point. I don't think they were aware that they were building on Town property, so it is our recommendation to allow them to go ahead and build the fence as long as it meets all the requirements as determined by the Town Attorney and is a revocable license. We would defer to the Town Attorney to work that up.

Tim Taylor added they had talked to Mr. Morris and his wife about the issues with it. There are some things that come with it, liability issues, keeping the fence in order to make it safe and the fact that our utilities are behind there so if those utilities were to leak, such as water lines, we would have to take it apart. I'm sure the attorney will put all of that in there. There are some negatives that you will have bear as well. Just so everyone knows.

Mr. Morris agreed and said that it would be no problem, the Town could have full use of his property to get in any time they needed to. Mr. Taylor said to read the meter, etc.

Joe McCracken made the Motion to give the Morrisses permission to erect a fence for a period of ten years, seconded by Rod Cury. Doug Ratliff asked if they wanted to give the Morrisses an option to look at this again at a later date. Brad Ratliff said it would be at the end of ten years, to be reviewed and could be extended. Vote, all in favor, 5/0. Motion carried.

Ernest Edgell-206 Terry Drive, Richlands, VA-He spoke about the speed on Terry Drive and Cresswood Drive. We can't have fences in our front yards. He doesn't have small children but he does have grandchildren and there are a lot of smaller children on that street.

He wanted to know if there is any time limit on how long you can leave your garbage can out in the street. Tim Taylor said he thought it should be by the end of the day, but he wasn't sure. You are not supposed to set your garbage out until the day of pickup. Mr. Edgell said there are some places, and it is pretty obvious, that need discussion in this area. They will leave their cans out 3 or 4 days. They are still parking in the streets in Hidden Valley. Even when it was in the County, the County police would come and tell them to move their vehicles off the street. He said Valley Drive especially, where two police officers live. He added that there is some pretty high grass on Farmer Street, Elkins Trailer Park. All of those areas, it should be seen by the Code Enforcement Officer, it's not hidden.

Report from Planning Commission-Richard Smith, Chairman. Report from the meeting at 7:00 pm this evening. He said the committee had already met with Mrs. Mitchell and Mrs. Sawyers previously to this meeting and they attended the Planning Commission meeting wherein we discussed the options with them. After discussion with them and looking at the Zoning Ordinance, the Planning Commission would recommend that Town Council rezone the certain properties adjoining or near the Hidden Valley Subdivision on the east side from its present zoning of R-1 to a classification of R-2. That is just for those lots at the entrance of Hidden Valley that are not in the original plat of the Hidden Valley Subdivision. Council will further discuss this matter later in the meeting.

Tim Taylor introduced the new Department Head for the Street/Sanitation-George West. He has been with us for 14 years; he has prior work experience with Nickels Construction. You pass by some of his projects daily; the bank up next to the High School is one of them. He has worked on several projects for the Town and is very valuable to us. We have all the confidence he will do a good job. Council congratulated George on his new position.

Council Member Reports

Rod Cury-our next Planning Commission meeting will be on Tuesday, September 2, 2014 at 7:30 at Town Hall.

-Several months ago Mary Ann Strong had asked about getting historic recognition for two cemeteries here in Richlands. I don't have a definitive update on that but did want you to know that the Town Historian, Gaynelle Thompson is working on that, accumulating a lot of information toward that end. So there is progress being made.

Joe McCracken-said things were going good. He had discussed some issues with Mr. Taylor which he will take care of.

Frances Meadows-asked about the status of the VDOT requests. Mr. Taylor said he had received a response from them. He had sent an email to Steven Buston, Transportation Land Use Director. We asked for the No-U Turn sign at Altizer Street and their response was "a record review indicated limited crashes here. Two rear-end crashes for the period of 2010 to 2013. There does not appear to be a sight distance problem. Thus, we do not believe this location to be a good candidate for a No U-Turn sign."

The request for the Fire Dept. sign at Claypool Hill was also denied based on VA Supplement that states that a fire department sign should only be used at locations where the road user's sight distance is restricted or entering/turning traffic would be unexpected. The proposed location does not meet the criteria for installation.

However, the larger yield sign request on the ramp that enters US Rte 460 Business near the new bridge has been approved, ordered and will be installed.

Frances said she had been approached by a gentleman about a matter down on the old Airport Road. Henry Cantrell had purchased a garage building down there and it was owned by a gentleman, I'm not sure of his name. Council discussed and agreed that is Walt Keen. Tim Taylor said that Chief Dorton has some on-going matters with Mr. Keen. Chief Dorton said it was their understanding that Mr. Cantrell purchased the building and all the contents, inside and out and Mr. Keen has entered into some type of agreement with Mr. Cantrell to move some of the items.

Frances said she was under the impression when she was called, that Mr. Cantrell didn't own any of that "stuff". So Mr. Cantrell owns some of the equipment that is outside. Mr. Keen has removed some of the items from the outside.

She also inquired of Mary Ann Strong if she owns the property at the airport and is allowing Mr. Keen to park things (old camper, truck trailer, etc.) on the runway. Mary Ann said that it is not her property, it is owned by family members and they had given him permission to put those items there.

Chief Dorton said it is better than what it has been; some of the items have been removed. Frances said she would get in touch with Mr. Cantrell. Tim Taylor said we need to make a list of the items and who is the responsible party so that if we need to move them quickly, maybe we can.

Doug Ratliff-asked about the status of the Electrical Rate Study. Mr. Taylor said he has an approved draft on the costs of services. They have it finished and it is our review. We actually looking at it with AMP, we had a meeting with them a couple of weeks ago and they introduced the power supply for the next three to four years. It is the next item, as soon as Adrienne and Sue get the year closed out and meet with the auditors.

Doug suggested scheduling a meeting for the Electrical Committee prior to the study being brought before Council. He also requested to have it at 8:00 am when they do schedule it. Mary Ann Strong said that would be fine.

Mr. Taylor said he would send the draft of the study to them in email so they can be familiar with some of the terms, etc. Mary Ann said that would be very helpful.

Doug also inquired about the transformers, how soon we would need to replace one. Mr. Taylor said that as you know, we had some outages. We had various outages last month due to repairs. Currently, we are back on the old transformer that we had some issues with and it has been really stable. We

have adjusted some things and are starting to monitor it. We will take some gas checks to see if it is doing some things that maybe it shouldn't, we may have to delay that process a little longer. That transformer is 32 years old, but a transformer of that size can last 50 years if it not compromised. We can try to get as many years out of it as we can since it's a large investment. We will have to have some more outages in September in order to balance the load back. It's just normal preventative maintenance. It doesn't look as bad as we thought at first, it's still leaking but we have it under control hopefully.

Mary Ann Strong- Mr. Taylor has in his report, the newly formed IDA and the credit cards, so I will wait for that. She did thank Sue Wade for getting the information out to the new IDA members. She apologized. She wanted things to go faster than the process allowed. She is excited to see that group together and beginning to work.

She is also excited about two new businesses in town on Front Street. Fisher House Ministries and Thrift Store, owned by Ryder and Amanda Richardson. It is a business but it is really more of a ministry. She encouraged everyone to stop by and support them. It is also exciting to see in Rod's storefront, JAMA Nails and Beauty Spa owned by Mandy Hammond. She is local young lady who has stepped out to start a business of her own. It is great to see businesses opening up on Front Street.

Bob Nassiff wanted me to recognize Fred Phillips, Dave Ascue and all of the staff at the Recreation Department for their support for the 32nd Annual Richlands Tennis Tournament. The place was immaculate, very clean. Anything that Tennis Tournament directors needed, Fred was able to provide.

Department Head Reports:
(reports included in Council packets)

Tim Taylor said they did add something to the reports, as Mr. Johnson wanted a detail on the recreation department. It is very difficult to give the expenditure with the revenue side because we are always a month late. If you really want to look at the effectiveness, you need to look at the whole season.

Joe McCracken welcomed George West as Street/Sanitation Department Head. He offered any help needed from Council.

Tim Taylor announced that the Town won the Gold Award this year for the Office of Drinking Water, achieving Virginia's optimization goals at the Water Treatment Plant. Last year we received silver or bronze, this year we did get the gold. We do have a press release going out. They work hard to get this award. It has to be spotless in order to get that. It is very hard to get.

Rod Cury said he wanted to congratulate the Town on the award and it does mean a lot to show that we are a good town and that we do have potable drinking water.

Mayor's Comments:

She asked about the status of the Codification. Mr. Taylor said we have to get our responses back to the group by the end of the month.

Mayor White said she had met with a gentleman from Virginia Tech, Keith Pierce for an organization called "Save our Town". I met with him one day last week. He did an interview and went around town taking pictures. He was very impressed with the Town. He came and took pictures of Town Hall, the Miners Memorial and down at the Police Department. He was taking pictures of the sculptures by Johnny Hagerman. He said we would not be on the program for three months, they are booked up. He said he would send us a clip for us to share. It's a program to promote towns in Southwest Virginia. We were honored to be included.

We (Festival Committee) are providing lunch on August 21st for all town employees. We want to show our appreciation for all of the work done by the employees. This will be held at the Police Department from 11:00 am to 1:00 pm. She invited all employees to attend.

Attorney's Comments:

Introduced the Ordinance for potential zoning changes, classification from R-1 to R-2. He read Ordinance #O-2014-08-01 in its entirety. Frances Meadows made the Motion to dispense with the second reading of this Ordinance, seconded by Joe McCracken. Vote, all in favor, 5/0. Motion carried.

Frances Meadows made the Motion to Adopt Ordinance #O-2014-08-01, seconded by Rod Cury. Vote, all in favor, 5/0. Motion carried.

Mr. Ratliff referred to a hearing earlier this evening regarding a public nuisance that was brought before Council by citizen complaint. In accordance with Town Code Section 13-5, James Clinton Holmes, did appear and we did present the Resolution before Council, entitled Abatement of Nuisance, to-wit: 374 Vicky Drive, Richlands, VA. He then read the Resolution in its entirety.

Rod Cury asked Brad about the "substantial" compliance. How much compliance is that? Brad said that would be left to observation by the Police Department. As I indicated to Mr. Holmes, if he is making an effort to get this done, this Council has been very lenient in these situations. There is flexibility in this Resolution but it also has teeth and authorizes the Town Manager to proceed if compliance is not met.

Doug Ratliff made the Motion to Adopt the Resolution, seconded by Mary Ann Strong. Vote, all in favor, 5/0. Motion carried.

Brad Ratliff addressed the question posed earlier by Ernest Edgell on how long you can leave your trash cans out after trash pickup. That is addressed in Section 17-9 of Town Code. It may require some clarification by Council. The language of Section 17-9 applies that all garbage and trash containers shall be removed from the alley or sidewalk by the owner thereof "as soon as possible" after they have been emptied. There is some vagueness there.

Tim Taylor suggested when you make your review of the Codification; change that to within 24 hours, with leniency for snow, ice, etc.

Frances Meadows noted that the Rec Park recently had an inspection by the Health Department and passed 100%. Council congratulated Fred on that accomplishment.

Manager's Report:

Authorization to pay bills. Mr. Taylor went over the check register which included bills for the month totaling \$686,963.16 including AMP Power Bill \$325,812.71, Anthem \$79,390.00 and VRS \$51,683.73. Frances Meadows made a motion to authorize the Town Manager to pay the bills, seconded by Rod Cury. All in favor, vote 5/0. Motion carried.

Project Updates:

- a) IDA- had a very informative meeting. All of the members showed up. This was an initial meeting; basically Mr. Ratliff and I took charge until they can get things done such as elect officers and such. The membership was announced last month, but all of them were there and they elected a Chair, Travis Hackworth, Vice Chair is Vickie England, Secretary/Treasurer is Barry Elswick. They have elected at this point and time to have their regular meeting dates as within the by-laws(at least the formative by-laws) on the second Tuesday at 5:30 pm. They will meet prior to Council meeting as a regular court order. They did adopt resolutions and administer the oath of office. We did get an invite from the Chamber of Commerce for an IDA presentation with Eric Young on Wednesday, September 24th at 12 noon at the Richlands Business Incubator. The invitation extends to Richlands IDA members, Richlands Mayor and Town Council members, Town Manager, etc.

I did talk to the County attorney, who is also the County Attorney and I asked Mr. Young to give our IDA a presentation as we have never really had an IDA that is going to be active. The County has one that is active. He is going to do a similar presentation like he is doing at the incubator in case some of our members can't make it that day. They were very interactive tonight, they want to serve. As a voter and a citizen of Richlands I do appreciate people like that who want to serve without

compensation. It is a statutory type of thing, they have their own chairs and their own finances. We have allocated \$1,500.00 for them. We need to get a bank account set up for them, they will responsible for the activities for that bank account. There are divisions and by-laws. If anyone is interested in the by-laws and what the role and function are, it will be listed on the by-laws on our website. We do have the members on the website and once they give us all they would like to have on the website, we will update that on the web page.

b.) Electrical Substation-discussed earlier.

c.) Water and Wastewater-We have fixed some leaks that we were concerned about, especially on Front Street. Our water loss is down to around 19% last month.

We do have one area in the Town of Richlands that is not serviced by sewer, the West Fork area. The reason for this is when we did the boundary adjustment they said they didn't want it. We had plenty of other things to do at the time. We do have a citizen up there that has some concern with the septic system. We are already working on a design to get that up there and costs developed as we speak. Once we get that, we will keep Council informed. It will be a capital project. We are pretty close on design.

d.) Credit cards-ATM-We have had problems with some of the quotes, they are such a hodge-podge of different type of submittals. We have talked to a lot of different people, and a lot of them have recommended going with EVA, which is the State of Virginia's procurement vehicle. It provides Electronic Means of procurement processes for you. Often times, that is how we buy police cars and various things like that. By volume sometimes the State can procure this for localities, legally and the citizens do a much better job getting something out of the program. We did a quote in from Bank of America that has met the criteria for procurement and has put us on the same type of look as some other localities. It is pretty simple but I haven't had time to analyze it. We hope to have that finished in the next little while.

Doug Ratliff asked if we had received a quote from Wells Fargo. Mr. Taylor confirmed that we did. We could release it back to locals with an RFP pack and if they can do as good as or better than the State does, we would go with them. We need to match EVA's requirements so that we can get a better quote from the banks. The Mayor mentioned there are hidden fees, she has dealt with that through her own business.

ATM-we are working with a group on that, we have it all worked out except for a couple of things on the agreement. Brad said he was negotiating with John Newberry with VEMCO with some language in the agreement. He said he should have it finished by next week.

e.) Street and Sanitation-We bought a garbage truck. We had one in the budget, we had around \$140,000 in the budget for that. We were able to use a procurement of our neighbors in Buchanan Co. We have learned over the years that we all have the same specs on garbage trucks. We all have the same type of hills and we drive the same type of truck so we have developed together, just by default. They have kind of a "spec" for our region. I called Buchanan County because I know they buy a lot of garbage trucks. They had just procured some bids in March. So I asked them for their sheets and they had some nice prices. We found their lowest bid and called that company to see if they would honor that price and they did. We have a garbage truck on order for a little over \$120,000.00, so we saved roughly \$20,000.00. It is a Kenworth truck and it should be a good truck.

f.) Website-It is functioning a lot better. I hope you will use, we have more on there now. We have archives for agendas past, but also minutes that are approved. We have by-laws of all of our statutory type of committees such as the Planning Commission, the IDA, and the Rec Commission. We are keeping it updated. The document center works well now. We do have an error in the Charter, we still have the old Charter on there. We will get that corrected. We will have some glitches as we go, but we are working through those. I have spoken to the Mayor and we plan to put some special projects on there like the Freedom Festival, the Section House Committee. We will try to establish that as a separate section to be expanded as much as you want now that we have a way to do that in-house. I feel proud of it. Frank helped us with Twitter when we had our outages, I am not a Twitter user. When things are weather driven, you don't know if you can do a scheduled power outage so if it rains, you have to delay. It's hard to know ahead of time. This is a good resource to let people know of any changes. We are going to have more training with Council on email so that it's easier.

g.) EMS Transport-We had a meeting with Peter Mulkey on the EMS Transport. When we got into the details of the transporting, we then understood that the hospital now provides a lot more services. They have full cardiac, they provide orthopedic and oncology and so forth. They are trying to do more in-house. Mr. Mulkey shared some of that philosophy with us. We are trying to glean from that and our person with all of the data at the hospital, Amanda Keen has been on vacation. We are going to get that back together and have a meeting with Council as soon as

possible. We are working but it is not as fast as sometimes you would like to see.

Misc.-Decal Issue-It is time for our decals to be sold and we are trying to find a way to get better collection, less expense and a better way of doing it. We tried to do that through the state code and go through DMV collecting that for the Town, at least we thought. You would not be able to get tags unless you pay for the Town decal. That fell through. The State won't do that anymore. But we have asked the County if they would entertain the idea. They have different personnel now and as I understand it, they are cooperative and want to help us and think it is a good idea. We would like to have Council change the Ordinance to allow them to collect that for us. They could send out the personal property tax tickets with our decal listed on it. It will make it easier on the folks and we will probably get better collections because if you don't do it, then you don't get tags. It will get all of the renters too; it should be a win/win situation. The discussion now is at the County level as far as its legality. We are going to have to move because we have to order our stickers or we will be late on those. Joe McCracken asked what the County would charge for that service. Tim Taylor said probably about 5%. Our sticker alone costs \$10 so that would be 50 cents, which is fair. With everything, software changes, that is a fair charge. I think we will collect more, that is my personal opinion. I would ask that you vote on it, contingent upon legal review. If we can do it, we would not order the stickers and we would have to change the Ordinance next month. It is an annual fee, so whether we get it today or we get it in December, it's only thirty to forty thousand dollars, and we can manage that cash flow so it wouldn't be a problem.

Doug Ratliff made the Motion to change the Decal Ordinance, and authorize the town to enter into an agreement with the County contingent upon the collection fee from the County being no more than 5%, seconded by Rod Cury. Vote, all in favor, 5/0. Motion carried.

Frances Meadows asked if we would get a receipt from the County. Mr. Taylor said when you pay your property taxes to the County then they will send us a check. No more stickers. We will have to inform the public of this change.

Ernest Edgell asked if this falls through, what is the law on the stickers. Mr. Taylor said if this doesn't work out, we will be late getting the stickers and be later with enforcement because of that. Mr. Edgell said he wants to know what the enforcement is now, currently. It is a moving violation, we cannot go to a parked car and give a ticket. We used to write warning tickets on cars. Mr. Edgell said he had talked with a lady that said she was fined \$110.00. Brad Ratliff said that was possible due

to court costs. Chief Dorton said he thought most of the fines were around \$35.00.

Frances Meadows asked about the status of the roof at the Rec Park. Mr. Taylor said it is on the list, but we are low on people.

With no further business to discuss, Joe McCracken made the Motion to adjourn, seconded by Rod Cury. Vote, all in favor, 5/0.

Meeting adjourned at 8:57 pm.

Jan White, Mayor

Attest:

Susan Whitt, Clerk